

REMARKS:

The following remarks are submitted as a supplemental response to the Office Action issued on October 16, 2009.

Rejection under Obviousness-Type Double Patenting

The Patent Office has provisionally rejected claims 1-5 as being unpatentable over claims 1-5 of copending Application No. 10/581,602 under obviousness-type double patenting. Applicants submit herewith a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of copending Application Serial No. 10/581,602, filed January 9, 2007. A Notice of Allowance was issued by the Patent Office in connection with copending Application No. 10/581,602 on April 19, 2010.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Date: May 12, 2010

By: _____


Joseph A. Hynds
Registration No. 34,627
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K Street, N.W., Suite 800
Washington, D.C. 20005
Telephone: (202)783-6040
jhynds@rfem.com
Attorney for Applicants